

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

THIN HOSAN,

Petitioner

NO. 3:CV-06-482

-vs-

(Judge Kosik)

IMMIGRATION & NATURALIZATION  
SERVICE, et al.,

Respondents

**MEMORANDUM**

Before the court is a Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated July 14, 2006 recommending that the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 be dismissed. For the reasons which follow, we will adopt the Report and Recommendation of the Magistrate Judge.

Background

Petitioner, Thin Hosan, an inmate at Pike County Prison filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 on March 6, 2006. In his petition, petitioner is challenging his detention pending removal by the Bureau of Immigration and Customs Enforcement (BICE) on the basis that his detention is unlawful and in violation of the due process clause because his deportation is not reasonably foreseeable.

The matter was assigned to Magistrate Judge Thomas M. Blewitt. On July 14, 2006, the Magistrate Judge issued a Report and Recommendation recommending that the petition for writ of habeas corpus be dismissed. Specifically, the Magistrate Judge found that petitioner's sole argument was that he was being illegally detained under the ruling in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because there was no significant likelihood of his

removal to Bangladesh in the reasonably foreseeable future. The Magistrate Judge concluded that based on the filings of respondents, travel documents to Bangladesh were issued for petitioner and his removal was reasonable foreseeable.<sup>1</sup> Moreover, the Magistrate Judge found that BICE's earlier decisions to detain petitioner were supported by the record and were conducted on a regular basis. Petitioner filed no objections to the Magistrate Judge's Report and Recommendation.

Discussion

If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C. §636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a Magistrate Judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987).

We have considered the Magistrate Judge's Report and we agree with the recommendation. Thus, we will adopt the Report and Recommendation of the Magistrate Judge in its entirety. The instant petition for writ of habeas corpus will be dismissed.

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<sup>1</sup>We note that respondents informed the court that petitioner was removed to Bangladesh on July 25, 2006.

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(Judge Kosik)

**ORDER**

AND NOW, this 29<sup>th</sup> day of August, 2006, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated July 14, 2006 (Document 11) is ADOPTED;

(2) The instant petition for writ of habeas corpus is DISMISSED; and,

(3) The Clerk of Court is directed to close this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.

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s/Edwin M. Kosik  
United States District Judge